

## Concurrent Government Study Guide, Unit 2

Vocabulary Section: Define the following!!!!

actual malice

gag order

prior restraint

symbolic speech

precedent

*de jure* segregation

jurisdiction

slander

commercial speech

*de facto* segregation

poll tax

libel

exclusionary rule

**Multiple Choice: Put the correct letter in the space provided**

***Brown v. the Board of Education* was unusual among Supreme Court cases in that it:**

- a) was decided narrowly, on a 5-4 vote;
- b) relied heavily on evidence from the social sciences, including psychology;
- c) was not enforced by the president of the United States;
- d) was criticized by many Americans.

**The effect of *Plessy v. Ferguson* was to:**

- a) establish a clear and present danger standard limitation on free speech;
- b) to permit segregation of railroads and schools;
- c) to promote racial integration throughout the North;
- d) to outlaw the poll tax.

**Supreme Court justices are appointed for life to ensure that:**

- a) Justices remain accountable to the public;
- b) Justices are encouraged to make politically popular decisions;
- c) Justices are free from direct political pressure;
- d) Presidents are encouraged to seek younger nominees for the Supreme Court

**The Supreme Court decided that the free exercise clause did not protect:**

- a) a Native American's right to smoke peyote as part of a religious service;
- b) Catholic families' right to send their children to parochial schools;
- c) Amish families' right to remove their children from school after the 8<sup>th</sup> grade;
- d) a Jehovah's Witness's right to refuse to say the pledge of allegiance.

**The *Roe v. Wade* decision that upheld a woman's right to secure an abortion was based on the right to:**

- a) privacy implied in the 4<sup>th</sup> amendment;
- b) equality guaranteed by the 14<sup>th</sup> and 15<sup>th</sup> amendments;
- c) adequate medical care implied in the Preamble to the Constitution;
- d) due process of law provided by the 5<sup>th</sup> and 6<sup>th</sup> amendments

**The right to refuse to give self-incriminating testimony is guaranteed by the \_\_\_\_ amendment:**

- a) First;
- b) Fourth;
- c) Fifth;
- d) Eighth.

**Following the Civil War, the Fourteenth Amendment to the U.S. Constitution was designed to overturn the:**

- a) *Dred Scott* decision;
- b) *Plessy v. Ferguson* ruling;
- c) Emancipation Proclamation;
- d) Civil Rights Act of 1866

**The Stonewall incident was:**

- a) a lynching in Alabama in the late 1950s;
- b) a famous sexual harassment lawsuit;
- c) a free speech case involving Vietnam-era protests;
- d) a police raid on a gay bar in New York.

**In *Miranda v. Arizona*, the U.S. Supreme Court declared that:**

- a) evidence seized during an illegal search cannot be used in court;
- b) affirmative action programs cannot employ numerical quotas;
- c) police must inform criminal suspects of their constitutional rights before questioning suspects after arrest;
- d) Illegal aliens have the same right to an education as U.S. citizens

**Discrimination in public accommodations was made illegal in the United States as a direct result of:**

- a) the Supreme Court decision in *Brown v. Board of Education*;
- b) the Montgomery bus boycott;
- c) the Voting Rights Act of 1965;
- d) the Civil Rights Act of 1964

**"Fighting words" are not protected under the First Amendment if they:**

- a) are directed toward a racial minority;
- b) are directed to a particular person or group and could produce an immediate act of violence;
- c) advocate overthrowing the U.S. government;
- d) criticize the president.

**Most of the individual protections of the Bill of Rights now apply to the states because of the Supreme Court's interpretation of the Constitution's:**

- a) preamble;
- b) necessary and proper clause;
- c) supremacy clause;
- d) 14<sup>th</sup> amendment

**The establishment clause in the First Amendment does which of the following?**

- a) allows citizens to enter freely into contracts with other citizens;
- b) guarantees freedom of speech to all citizens;
- c) prohibits the setting up of a state church;
- d) defines the concept of dual citizenship

**When a police officer conducts a search using a warrant that was improperly issued by a judge, the evidence can be used in court because of:**

- a) the exclusionary rule;
- b) probable cause;
- c) the stop and frisk exception;
- d) the good faith exception.

**Which of the following did the Supreme Court establish in *Marbury v. Madison*?**

- a) The Supreme Court can declare federal legislation invalid if the legislation violates the Constitution;
- b) Each state has the right to set up and run its own court system;
- c) All the powers that are not explicitly given by the Constitution to Congress belong to the states;
- d) Any president who commits treason, bribery or other high crimes and misdemeanors can be impeached.

**The free exercise clause in the First Amendment does not prevent the government from restricting religious practices that:**

- a) offend a large majority of Americans;
- b) go against a compelling state interest in the welfare or safety of its citizens;
- c) are defined by the media as "cult" religions;
- d) encourage a willful violation of the Pledge of Allegiance in schools.

**A house is searched without a valid search warrant, and a dead body is found. What would be the most likely outcome?**

- a) The discovery of the body could be used in court because it is the best evidence that a murder occurred;
- b) the case could be prosecuted with independent evidence, but the discovery of the body could not be used under the exclusionary rule;
- c) The case would be decided under state law because many states have eliminated the exclusionary rule;
- d) The case could not be prosecuted at all because the exclusionary rule would prevent any evidence of the murder being presented in court

**Today, except in emergency situations, law enforcement officials may use electronic listening devices only**

- a) if they first obtain a warrant;
- b) if they suspect a federal crime has been committed;
- c) with the consent of the FBI;
- d) if they suspect a murder has been committed.

**This law made it illegal for realtors to sell only to members of one race:**

- a) The Fair Housing Act;
- b) the Voting Rights Act;
- c) Title IX of the Education Amendments Act of 1972;
- d) the Americans with Disabilities Act.

**In *Gideon v. Wainwright*, the United States Supreme Court ruled that the:**

- a) Bible could be distributed at public schools under the free exercise clause of the First Amendment;
- b) exclusionary rule prevented the introduction of evidence seized in violation of the Fourth Amendment from being introduced in court;
- c) eminent domain clause of the Fifth Amendment prevents government from taking religious property for public purposes;
- d) Sixth Amendment right-to-counsel provision applies to those accused of major crimes under state laws, and thus poor people accused of a crime must be provided an attorney

**Which of the following is filed when an imprisoned person wants to be brought before a judge so that the judge can determine whether his or her imprisonment is legal?**

- a) bill of attainder;
- b) *ex post facto* petition;
- c) writ of *certiorari*;
- d) *Habeas corpus* petition

**The Fourth Amendment was a result of the colonists' reaction to the writs of assistance that allowed British officials to:**

- a) hold people without making formal charges against them;
- b) suspend the right to a jury trial;
- c) conduct open-ended searches without specifying what or whom would be searched;
- d) refuse an accused person's request to consult an attorney.

**Which of the following is not a true statement about the Civil Rights Act of 1964:**

- a) it outlawed discrimination in public accommodations;
- b) it prohibited employment discrimination against women;
- c) it outlawed discrimination against the elderly;
- d) it strengthened enforcement of school desegregation orders.

**According to the clear and present danger test, speech may be restricted:**

- a) when it is almost certain to incite violent action;
- b) when it lacks a political purpose;
- c) whenever the United States is at war;
- d) if it is deemed offensive to religious organizations

**A non-litigant group or individual (someone who is not actually a party to the case) that wants to attempt to influence the Supreme Court in a particular case can file:**

- a) an *amicus curiae* brief;
- b) a *habeas corpus* petition;
- c) a writ of *certiorari*;
- d) a writ of *mandamus*

**The two parts of the First Amendment dealing with religion are known as the**

- a) supremacy clause and free exercise clause;
- b) free exercise clause and establishment clause;
- c) establishment clause and "necessary and proper clause";
- d) supremacy clause and establishment clause.

**Appellate jurisdiction means the authority of a court to:**

- a) serve as a trial court;
- b) review decisions for a lower court;
- c) hear cases for the first time;
- d) establish grand juries.

***Stare decisis* is a doctrine:**

- a) encouraging judges to follow previous court decisions;
- b) requiring hearings about complaints arising from government regulations;
- c) enabling court decisions to vary from case to case;
- d) providing guidance to judges when common law does not apply

**The justices who believe that the Court should not use its power to alter or challenge the policy direction of Congress or state legislatures are advocating:**

- a) judicial restraint;
- b) moderate pragmatism;
- c) judicial activism;
- d) strict constructionism

**The Age Discrimination Act was amended in 1978 to**

- a) forbid requiring drivers over age 70 to take yearly driving tests;
- b) prohibit mandatory retirements before the age of 70 for most workers;
- c) expand Medicare benefits for all seniors;
- d) set the minimum drinking age in every state at 21.

**The first important Supreme Court case involving the right to privacy upheld the right:**

- a) to obtain an abortion;
- b) to use birth control;
- c) to refuse to consent to a wiretap;
- d) to have the state pay for a lawyer if you cannot afford one yourself.

**The Americans with Disabilities Act requires all of the following EXCEPT:**

- a) employers must meet specific hiring quotas of disabled workers;
- b) new public accommodations must be made accessible to the disabled;
- c) employers must make reasonable accommodations for persons with disabilities;
- d) telephone companies must install technology to help the hearing-impaired.

**What does it mean when the Supreme Court issues a “concurring” opinion?**

- a) All justices agree with the written explanations issued by the Chief Justice;
- b) Some justices disagree with the majority decision rendered by the Court;
- c) The Court cannot agree on a decision and will send the case back to its court of origin;
- d) While some justices agree with the Court’s decisions, they base their agreement on different reasons than are stated in the majority opinion

**The First Amendment protects all of the following rights except your:**

- a) freedom to criticize government officials either in speech or newspaper articles;
- b) freedom to gather outside the Capitol building with signs protesting Utah liquor laws;
- c) freedom to send a petition to your Congressman urging him to vote against funds for the war in Iraq;
- d) freedom to request a jury in a civil trial.

**A matter that the Courts believe should be left to Congress and the President to decide is called:**

- a) a justiciable dispute;
- b) a political question;
- c) a "litmus test";
- d) Senatorial courtesy

**The form of communication that relies on words accompanied by actions to convey ideas (for example, picketing) is known as:**

- a) free speech;
- b) pure speech;
- c) symbolic speech;
- d) speech plus.

**Which of the following is the most common criticism of the Americans with Disabilities Act?**

- a) It applies only to government-owned buildings;
- b) its provisions are too expensive for government and private businesses to follow;
- c) It gives rights and privileges to those with physical disabilities, but not those with mental disabilities;
- d) It does not provide adequate due process protections

**The right of African Americans to vote was first established in this amendment:**

- a) 13<sup>th</sup>;
- b) 14<sup>th</sup>;
- c) 15<sup>th</sup>;
- d) 16<sup>th</sup>.

**The view that most of the protections of the Bill of Rights are included under the fourteenth amendment's protection against state government is called:**

- a) the exclusionary rule;
- b) nullification;
- c) incorporation theory;
- d) the necessary and proper clause.

**The burning of an American flag in a peaceful protest:**

- a) has never been addressed by the Supreme Court;
- b) violates the Constitution;
- c) represents a clear and present danger;
- d) is protected as symbolic speech.

**All of these are requirements for a fair jury trial except:**

- a) the right to an impartial jury that has not already made up its mind about the case;
- b) the right to a jury representing a cross-section of the community;
- c) the right to a jury of the same race or religion as the accused.

**Laws that provide additional penalties for crimes committed against members of a particular group, such as minorities or gays, are called:**

- a) hate crime laws;
- b) misdemeanor laws;
- c) capital crimes laws
- d) affirmative action laws.

**The three-part Lemon test concerns the issue of:**

- a) symbolic speech;
- b) state aid to religion;
- c) the right to a jury trial in civil cases;
- d) protection against gender discrimination.

**Which of the following was NOT one of the barriers that African Americans faced when they tried to vote in the south before the 1960s:**

- a) citizenship tests;
- b) literacy tests;
- c) the white primary;
- d) the poll tax.

**The following form of public prayer has been upheld by the Supreme Court:**

- a) prayer at public school graduation;
- b) prayer before public school football games;
- c) a morning non-denominational prayer;
- d) the opening prayer of a Congressional session.

**The Supreme Court has ruled that sexual harassment is a violation of:**

- a) Title VII of the Civil Rights Act;
- b) the Equal Rights Amendment;
- c) the Equal Pay Act;
- d) the 13<sup>th</sup> amendment.

**The “two plastic reindeer rule” applies to:**

- a) reasonable accommodations for disabled elves;
- b) Mrs. Claus’ suit against her husband under the Equal Pay Act;
- c) Rudolph’s lawsuit claiming discrimination against red-nosed reindeer under the Civil Rights Act of 1964;
- d) allowing nativity scenes only when they include many secular symbols as well, so that they do not violate the establishment clause.

**The following is not automatically a protected form of free speech:**

- a) a poster placed on a bulletin board in the grocery store encouraging your fellow students to throw off their chains and abolish school on Fridays;
- b) obscenity;
- c) a political cartoon that attacks a candidate;
- d) a letter to your Congressman telling him that he is an idiot.